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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA ex rel.)	CASE NUMBER 07-CV-04911-CRB
JAYDEEN VICENTE and JAYDEEN)	
VICENTE Individually,	)	DECLARATION OF JEANETTE HAGGAS
	)	IN SUPPORT OF PLAINTIFFS'
Plaintiffs,	)	OPPOSITION TO DEFENDANT'S MOTION
	)	TO STAY ALL PROCEEDINGS PENDING
vs.	)	TRANSFER BY THE JUDICIAL PANEL ON
	)	MULTIDISTRICT LITIGATION
ELI LILLY AND COMPANY,)	
	)	Date: December 7, 2007
Defendant.	)	Time: 10:00 a.m.
	)	Courtroom: 8, 19th Floor
	)	Honorable Charles R. Breyer

I, Jeanette Haggas, declare:

1. I am an attorney duly licensed to practice law before the Courts of the State of California. I am an associate in the law firm of Hersh & Hersh, attorneys of record for Plaintiff in this action.
2. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would competently testify thereto:
3. I make this Declaration in Support of Plaintiffs' Opposition To Defendant's Motion To Stay All Proceedings Pending Transfer By The Judicial Panel On Multidistrict Litigation.
4. Attached as **Exhibit A** is a true and correct copy of the Opinion & Order, dated August 3, 2007, in the action entitled, *South Carolina v. Eli Lilly & Co.*, Slip Op., 2007 WL 2261693 (D.S.C. Aug. 3, 2007). In this action, the plaintiff alleged similar claims against Eli Lilly as the Plaintiffs in the case at bar. The District Court for the District of South Carolina granted plaintiff's motion to remand.
5. Attached as **Exhibit B** is a true and correct copy of the Order Re: Plaintiff's Claim Of Proof, dated August 1, 2007, in the action entitled, *Alaska v. Eli Lilly & Co.*, Slip Op., No. 06-88, 2006 WL 2168831, at *2 (D. Ak. July 28, 2006). In this action, the plaintiff alleged similar claims against Eli Lilly as the Plaintiffs in the case at bar. The superior court declined to rule on the

1 sufficiency of the state's proffered method to prove its case. The court further
2 denied Eli Lilly's claims that the plaintiff's complaint was "remote" and held
3 that the plaintiff's strict liability claims were not barred by the "economic loss
4 rule". Additionally, the court denied Lilly's motion to dismiss plaintiff's
5 claims of unfair trade practices.

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- 8 6. Attached as **Exhibit C** is a true and correct copy of the Memorandum
9 Decision And Order Denying Defendants' Motion To Stay And Granting
10 Plaintiff's Motion To Remand, dated September 4, 2007, in the action
11 entitled, *Utah v. Eli Lilly & Co.*, Slip. Op., No. 07-380 (D. Utah Sept. 4,
12 2007). In this action, the plaintiff alleged similar claims against Eli Lilly as
13 the Plaintiffs in the case at bar. The District Court for the District of Utah
14 granted plaintiff's motion to remand.
- 15
- 16 7. Attached as **Exhibit D** is a true and correct copy of the Memorandum And
17 Order, dated June 27, 2007, in the action entitled, *Pennsylvania v. Eli Lilly &*
18 *Co.*, No. 07-1083, 2007 WL 1876531 (E.D. Pa. June 27, 2007). In this action,
19 the plaintiff alleged similar claims against Eli Lilly as the Plaintiffs in the case
20 at bar. The Eastern District Pennsylvania Court granted the motion to remand.
- 21
- 22 8. Attached as **Exhibit E** is a true and correct copy of the Complaint, filed in San
23 Francisco Superior Court on May 11, 2007. The Exhibits to the Complaint
24 are omitted from this Exhibit, but can be found attached to the Declaration of
25 Jeanette Haggas In Support Of Plaintiff-Relator's Opposition To Motion To
26 Dismiss, filed November 16, 2007.

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3 9. Attached as **Exhibit F** is a true and correct copy of the Transfer Order issued
4 by the Joint Panel on Multi-District Litigation, dated April 14, 2004. By way
5 of this Transfer Order, the MDL Panel created an MDL for certain common
6 Zyprexa-related claims in United States District Court for the Eastern District
7 of New York.

8
9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct, and that this declaration was executed on November 16,
11 2007, at San Francisco, California.

12
13 By 
14 JEANETTE HAGGAS